

**Division VIII of Title 5 of the California Code of Regulations
Proposed Amendments and Additions to Title 5 of the California Code of
Regulations Pertaining to a Complete Paper Application Packet**

Initial Statement of Reasons

Rationale for Proposed Regulations

The proposed regulations implement, interpret, and make specific Education Code sections 44230, 44235, 44330, 44339, 44340, 44346.5, and 44350 pertaining to requirements for submission of a complete paper application packet to the Commission. The proposed regulations specify for applicants the items that comprise a complete application packet, clarifying what must be submitted with an application in order for Commission staff to accept the application and evaluate an educator's qualifications and fitness. The proposed regulations also include amendments to the forms required during the application process.

General Provisions:

Application Form Revisions

The current revision dates of the *Application for Credential Authorizing Public School Service* (FORM 41-4) and the associated *Instruction and Information Sheet* (41-4 INSTRUCTIONS) incorporated by reference in 5 CCR section 80001 is "12/09." Between December 2009 and December 2014, minor revisions have been made to the forms for clarity purposes. In December 2014, new sections were added to comply with the provisions of Assembly Bill (AB) 2560 (Bonilla, Chap. 110, Stats. 2014).

AB 2560 amended section 44252 of the Education Code and requires the Commission to make specific revisions to its application forms for all credential types. Effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code].

In addition, the *Renewal and Reissuance* application form (41-REN) was discontinued in August 2014 and revisions to the *Professional Fitness Explanation Form* (OA-EF) were made in September 2013 for clarity purposes. The proposed amendments to 5 CCR section 80001 update the revision dates for the FORM 41-4, 41-4 INSTRUCTIONS, and OA-EF form and delete the 41-REN form.

Completed Application Packet

The Commission receives a significant number of incomplete paper applications. For example, at the end of the 3-month period from April 25 to July 25, 2014, the Commission received 929 applications that had to be returned to the applicant for correction due to incomplete documentation or errors made in filling out the application. The proposed regulations specify the items that must be submitted with an application in order for Commission staff to accept the application and evaluate the educator's qualifications and fitness.

Some regulations regarding what is required to complete an application are presently scattered throughout various sections of Title 5, not all of which are directly related or currently cross-referenced. The proposed regulations update, expand, and consolidate into one section application requirements and processes to reflect current statute and Commission procedures.

Each application must include payment of the application fee and the applicant's name, Social Security Number (SSN) or Individual Tax Identification Number (ITIN), and date of birth. These items are required for initial screening and to verify the applicant's identity.

If the name, SSN or ITIN, and date of birth are not provided on the application form or the correct payment is not included, the application will be deemed deficient and the entire application packet, including supporting materials and payment, will be returned to the applicant along with a letter requesting the missing information.

In addition, each application must also include the following items in order for staff to complete the evaluation process:

- Current mailing address, including street address, City, State and Zip Code;
- Email address;
- County or school district of employment;
- Selection of a specific type of credential or permit on the application;
- Completion of the Oath and Affidavit section with original signature and date, including county and state where signed;
- All Professional Fitness Questions answered and complete documentation for any disclosure on the applicant's Professional Fitness questionnaire;
- Evidence of fingerprint submission.

If any of these items is absent from the application packet the application will be deemed incomplete. The fee will be retained and the applicant will be sent a letter requesting additional information. Applicants will have 60 days to submit the required information or the application will be rejected. Applicants not employed in a California school may indicate 'Not applicable' in the County or District of Employment space as appropriate.

If more than one specific type of document is requested on one application form, the Commission will evaluate the application for the first type of document selected on the application. The applicant will subsequently be sent a letter advising that each additional document sought requires the submission of a separate application, application fee, and supporting materials.

Fingerprint clearance through the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) is required from every applicant prior to the Commission's issuance of any credential, permit, or certificate. Individuals who have received fingerprint clearance through other California agencies, employers, other states or government agencies are not exempt from this process. An evaluation of an application may be completed and an educator's academic eligibility for a document established but educators will be notified that no document will be issued until fingerprint information is received by the Commission and any fitness review is completed.

Proposed Amendments to Regulation §80001

(b)(2)(A): Proposes amendments to the revision dates for the forms required for credential purposes in California, whether submitted online or by paper application, including the deletion of “Personal and” from the title of the OA-EF form. The specific revisions to each of the forms are explained in the following sections. Also proposes the addition of “online renewal” at the end of the subsection due to the proposed deletion of the *Renewal and Reissuance* application form (41-REN).

Application for Credential Authorizing Public School Service (FORM 41-4):

Header: “Application” has been added to the Privacy Act Notification reference for clarity purposes; formatting edits have been made to the address section in the upper, left-hand corner; and the Commission’s mailing address has been updated. In addition, the obsolete “CO Initials” and “Date” sections have been deleted, as the Commission’s computer system now tracks this information and it is no longer necessary for Commission staff to initial application forms.

Section 1. Personal Information

- To comply with the State Licensing Match System (SLMS) program (reference 42 USC section 666 and California Family Code section 17520) and the state tax delinquency program (Business and Professions Code section 494.5), the Commission must collect a Social Security Number or Individual Tax Identification Code from each credential applicant. The words “or Individual Tax ID” have been added following “Social Security” to comply with the aforementioned codes.
- There are specific situations in which the Commission must notify school district governing boards of misconduct by a school employee (reference Penal Code section 291). To facilitate such notifications, “or District” has been added to the section that previously only requested an applicant’s county of employment. For applicants who are not employed in California’s public schools, ‘not applicable.’ is an available option.

Section 2. Credential Type

Header:

- “Type of Credential” has been amended to “Credential Type” for clarity purposes and “(choose only one type below)” has been added to clarify a separate application and fee are required for each credential type requested (reference 5 CCR section 80484).
- The words “Select One” have also been changed to “Options” to better described the action required in the associated field.

List of Available Documents:

- Abbreviations have been added in several places to identify the application types for internal use when entering an application into the Commission’s computer system as follows: “(PT)” for Substitute Permits; “(PK)” for Child Development Permits; and “(PW)” for Designated Subjects.

- AB 1871 (Chap. 660, Stats. 2008) took effect on July 1, 2009 and changed the “Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate” to a “Bilingual Authorization”. Revisions to the Multiple Subject and Single Subject sections of the application form change the outdated term of “BCLAD” to “Bilingual Authorization.”
- The term “disability” associated with Education Specialist credentials was changed to the currently used term of “specialty” [reference 5 CCR section 80048.8(a)(2)].
- The option to select a Visiting Faculty Permit and the associated subject area have been deleted as the final issuance date for such a permit was July 1, 2013 [reference EC section 44300.1(e)]. “CTC Use Only” has been added to allow Commission staff a place to write processing notes related to the application.

Section 3. Child Development Permit Renewal Self-Verification

All levels of Child Development Permits, except the Associate Teacher Permit, require verification of 105 hours of professional growth for renewal [reference 5 CCR sections 80110(c)(3), 80112(c)(3), 80113(c)(3), 80114(c)(4), and 80115(c)(5)]. The language for this new section was transferred from the *Renewal and Reissuance* application form (41-REN) when use of that form was discontinued in August 2014.

Section 4. Professional Fitness Questions

- This section has been renumbered from 3 due to the addition of the Child Development Permit Self-Verification section.
- The language requiring explanation of a “yes” answer to any of the questions on a separate sheet of paper has been changed to language requiring completion of the *Professional Fitness Explanation Form* (OA-EF).
- The language regarding the information that will be reviewed by the Commission, the circumstances under which misconduct must be disclosed, and the “Warning” have been reformatted for clarity purposes.
- Questions a through f –
 - The language has been reformatted to bullet points for clarity purposes.
 - The language requiring explanation of a “yes” answer and the specific documentation required depending on the type of offense has been deleted. Applicants must provide explanations for “yes” answers are provided on the OA-EF form and the OA-EF form specifies the required documentation for the associated “yes” answer.
 - “Yes” and “No” boxes have been added below the question, as applicants often neglected to answer all the questions in the previous column format.
 - The two “Yes” and “No” columns to the right of the questions have been deleted.
- Question b – Additional language has been added to clarify the types of felony or misdemeanor convictions that must be disclosed, as well as language to clarify the types of misconduct that does not need to be disclosed.
- Question c - Redundant language and language requesting information regarding past misconduct inquiries or investigations has been deleted. The Commission does not have

jurisdiction over past investigations that did not result in a criminal conviction or an adverse action against a state issued license.

- Question e – The redundant question previously included in this section has been deleted. It is the responsibility of a superintendent of a California employing agency to report to the Commission any change in employment status of an individual working in a position requiring a credential as a result of an allegation of misconduct or while an allegation of misconduct is pending (reference 5 CCR section 80303).
- Question f – This question has been re-lettered to “e” due to the deletion of the question previously included in that section. The redundant words “or teaching” following “other document authorizing public school service” have been deleted, since “teaching” is a form of public school service. “Professional or vocational license” has been moved to question f and additional language regarding the possible disciplinary actions the Commission may investigate has been added as follows: denied, suspended, and publicly reprovved).
- Question g – This question has been re-lettered to “f” due to the deletion of the question previously included in “e.” The language requesting information regarding denied applications has been replaced with the language previously included in “f” (as re-lettered to “e”) regarding professional or vocational licenses, as the Commission does not have jurisdiction over denied applications. In addition, language regarding the possible disciplinary actions the Commission may investigate as related to professional or vocational licenses issued by other agencies has been added [“revoked,” “suspended,” and “otherwise subjected to any other disciplinary action (including an action that was stayed)”].

Section 5. Child Abuse and Neglect Mandated Reporting

This new section was added to the FORM 41-4 to comply with the provisions of AB 2560. AB 2560 amended section 44252 of the Education Code and requires the Commission to make specific revisions to its application forms for all credential types. Effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code]. The language in this section was copied verbatim from EC section 44252(a)(2)(C).

Additional language has been added to the application form following Section 5 to prompt the applicant to review his/her application form for completeness, as well as language describing the forms of payment acceptable and explaining that fees are not refundable. A statement informing the applicant that incomplete applications and applications submitted without the required fee will be returned.

Section 6. Oath and Affidavit

- The number “6” was added before the word “Oath” to indicate that this is a separate section of the application form that must be completed by the applicant.
- Language has also been added under the line for “City” to explain that the applicant must enter the city where the form is signed (not the city where he/she works or lives).

Section 7. Employing Agency Information

- The number “7” was added before the work “Employing” to indicate that this is a separate section of the application that must be completed by the employing agency (if applicable).
- “One-Year Nonrenewable Credentials” [reference EC section 44252(b)(4)], “Short-Term Staff Permits” (reference 5 CCR section 80021) and “Limited Assignment Permits” (reference 5 CCR sections 80027 and 80027.1) have been added to the list of application types that must be submitted by an employing agency.
- “Visiting Faculty Permits” have been removed from the list of application types that must be submitted by an employing agency. The final issuance date for such a permit was July 1, 2013 [reference EC section 44300.1(e)].
- The words “or Prospective” have been added before “Substitute” as an exclusion to the list of applications requiring employing agency submission. Applicants for the referenced substitute permits may apply directly to the Commission.
- The first sentence of the paragraph listing the application types that must be submitted by an employing agency was edited to end after the word “agency” and “Employers” was added to the beginning of the resulting next sentence for grammatical and clarity purposes.
- “For Limited Assignment or Emergency Permits” was added to the end of the second sentence in the paragraph listing the application types that must be submitted by an employing agency for clarity purposes.

Application for Credential Authorizing Public School Service, Instruction and Information Sheet (41-4 INSTRUCTIONS):

Opening Paragraphs:

- The words “or renew” have been added to the first sentence on this form due to the discontinuation of the *Renewal and Reissuance* application form (41-REN) in August 2014. The FORM 41-4 is now the only application form available for all applicants who submit an initial or renewal application for a document, whether online or by paper application.
- The sentence instructing the applicant to keep a copy of the completed application form has been deleted from the opening paragraph. Applicants will be instructed to make and keep a copy of their completed applications in the “Application Form” and “Supporting Documentation” sections.
- A sentence informing applicants that a separate application form (reference 5 CCR section 80484) and fee are required for each credential has been added in bold font for clarity purposes.
- The second paragraph at the top of the form has been deleted, as the information included is provided in other sections.

Application Form

- The words “Application Form” have added as a header to clarify that the information that pertains to completion of the FORM 41-4.

- A new sentence has been added to the beginning of this section stating that applicants must use the current version of the application form available on the Commission’s website. Effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code]. The Child Abuse and Neglect Mandated Reporting section is not included on older versions of the FORM 41-4.
- A sentence explaining that all requested information must be typed or printed on the application form has been added.
- The phrase “sender for completion” has been changed to “applicant” for clarity purposes.
- A sentence advising the applicant to make and keep a copy of the completed application has been added.
- The information regarding the processing of the application packet has been deleted. This information is now provided in “Processing Time” section.
- The sentence stating that the Commission cannot accept an application form with a revision date more than five years old has been deleted. The Commission previously provided paper application forms to applicants, employing agencies, and program sponsors. Since many employing agencies and program sponsors had stores of older application forms on hand, the Commission agreed to accept application forms with revision dates that were up to five years old. However, effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code]. The Child Abuse and Neglect Mandated Reporting section is not included on older versions of the FORM 41-4.
- The sentence providing a link to the application form has been deleted from the end of the third paragraph, as this information is now provided in the first sentence of the “Application Form” section.
- The fourth paragraph pertaining to supporting documentation has been deleted. This information is now provided in the “Supporting Documentation” section.
- Paragraph identifying the application types that must be submitted by employing agencies:
 - The words “or Prospective” have been added before “Substitute” as an exclusion to the list of applications requiring employing agency submission. Applicants for the referenced substitute permits may apply directly to the Commission.
 - “Limited Assignment Permit” has been added (reference 5 CCR sections 80027 and 80027.1).
 - “Visiting Faculty Permit” has been removed, as the final issuance date for such a permit was July 1, 2013 [reference EC section 44300.1(e)].

- “District Internship Credential” has been removed, as this credential type requires application submission by a Commission-approved program sponsor [reference 5 CCR section 80033(c)(8)].
- References to “college or university” and “institution” have been replaced with “Commission-approved program sponsor” or “program sponsor” in the last paragraph of this section. Commission-approved programs are not restricted to colleges and universities; they may be offered by county offices of education, school districts, charter schools, etc.
- The word “us” in the last sentence of this section has been replaced with “Commission” for clarity purposes.

Supporting Documentation

- The words “Supporting Documentation” have been added as a header to clarify that the information specifies the type of documentation that must be submitted with each application form.
- The language in the first paragraph of this section was moved from the page 1 of the form with additional language added for clarity purposes.
- Minor clarifying edits have been made to the second paragraph in this section along with the addition of two sentences explaining that the Commission does not maintain files for educators and urging applicants to make and keep copies of their application packet.
- Minor edits have been made to the last paragraph in this section for clarity purposes.

Fees

This section was moved from page 5 of the form, with additional language added to clarify the amount of the service charge for checks that do not clear the bank and the evaluation process that will occur to verify an applicant’s eligibility for the credential requested.

Personal Information

- Language provided in the first paragraph of this section has been rearranged and slight edits made for clarity purposes.
- The phrase “federal tax identification number” has been changed to “Individual Tax Identification Number (ITIN)” to clarify the type of number that is acceptable in lieu of a Social Security number pursuant to the referenced codes.
- A second paragraph has been added informing applicants of their responsibility to notify the Commission of an address change (reference 5 CCR section 80412) and instructions on how to submit such a change online.

Privacy

- The word “Privacy” has been added as a header to clarify that the section provides information related to the California Information Practices Act and Federal Privacy Act.
- The sentence requiring applicants to provide the Commission with an email address has been deleted, as this information is located on page 1 of the form.

- The words “past, present, or prospective employers or institutions of higher education” have been replaced with “the agency that submitted the application” to more closely match the language provided in EC section 44230(b) and “those agencies” has been changed to “that agency” for grammatical purposes.
- The redundant phrase “which authorize this work” has been deleted from the end of the second paragraph in this section.
- The phrase “our agency” has been changed to “the Commission” for clarity purposes.
- The name of the Commission’s Certification, Assignment, and Waivers Division was changed to the Certification Division in 2013. Edits to the last paragraph in this section reflect this name change.
- The plus-four code has been added to the zip code for the Commission’s mailing address.
- The toll-free telephone number has been deleted, as the number is no longer in service.

Type of Credential

- Language has been added to the beginning of this section to explain how to select a credential type and what to do if an option is not available.
- Second paragraph:
 - The unnecessary word “any” has been deleted.
 - The phrase “or specialty areas” has been added as related to Education Specialist Instruction Credentials.
 - The word “emphasis” has been deleted as the Commission no longer issues such authorizations.
 - The language instructing applicants to write information on page 1 of the application form has been deleted. The information should be written in the Comments box created for this purpose on page 4 of the application form.
 - A note has been added explaining that any abbreviations following a credential type are for internal Commission use only.
 - The credential terms of “professional clear” and “professional” have been deleted from the RENEWALS note, as the Commission no longer issues documents with those terms.
 - The language indicating that Child Development Permits may be renewed online has been removed, as online renewal is not yet available for those document types.
 - The word “working” has been added between “10” and “days” to clarify the approximate processing time for online renewals.

Professional Fitness Questions

- “/Oath and Affidavit” has been removed from the header of this section. Instructions for the “Oath and Affidavit” are now provided in a separate section.

- The phrase “in this section” in the first sentence of this section has been changed to “Professional Fitness Questions” for clarity.
- A sentence has been added to the first paragraph of this section to specify the sources of information that will be reviewed by the Commission for an applicant’s criminal history.
- The last two sentences in the first paragraph have been deleted, as the information is provided later in the section.
- The words “misconduct, even if:” have been added following “disclose” at the beginning of the second paragraph and bullet points explaining the circumstances under which misconduct must be disclosed have been added following the “:” for clarity purposes.
- All the remaining information previously provided on the form related to the disclosure of misconduct and “yes” answers has been deleted, as the information is provided on the *Professional Fitness Explanation Form* (OA-EF).
- A new “Warning” paragraph has been added to the end of this section to specify the potential penalty for failure to disclose the requested information, clarify that the *Professional Fitness Explanation Form* must be completed for all “yes” answers, and explain the documentation required by the Commission when records are not available.

Child Abuse and Neglect Mandated Reporting

This is a new section added to clarify that all applicants must check the “I agree” box related to their duties under the Child Neglect and Abuse Reporting Act (Penal Code section 11164).

Oath and Affidavit

- The formatting of this header has been changed from italics to bold, underline in all caps to clarify that the instructions are related to a separate section of the application form.
- The word “Please” at the beginning of the section has been deleted, as completion of the section is mandatory.

Fees

The “Fees” section previously located after the “Oath and Affidavit” section has been deleted from this position and moved toward the beginning of the form.

Fingerprint Information

California Residents

- The words “certificate, or permit,” have been added to the first sentence of this section for clarity.
- The word “LiveScan” has been changed to “Live Scan” in all spots referenced for accuracy.
- The sentences explaining how to obtain a copy of the Live Scan form and stating that three copies of the form will be required have been deleted from the middle of the first paragraph. The information explaining how to obtain a copy of the form is now provided at the end of the paragraph and the number of copies required has been moved to the second paragraph.

- A direct link to the list of Live Scan stations on Attorney General’s website been added to the second paragraph and the Commission’s website address has been deleted.
- A third paragraph has been added to clarify that the fingerprint process must be repeated if an applicant has not held a valid document issued by the Commission for more than 18 months (reference 5 CCR section 80442).

Out-of-State/Out-of-Country Residents

- The language provided in the first paragraph of this section has been amended to clarify that applicants who reside outside California must submit two fingerprint cards with their applications. Live Scan services are not available outside California for certification purposes.
- The redundant sentence at the beginning of the second paragraph has been deleted.
- An additional sentence has been added to the second paragraph to clarify the processing time for fingerprint cards.
- The third paragraph has been deleted, as the information regarding the online credential view is provided in a separate section and the Commission no longer issues academic eligibility letters. Fingerprint clearance must be on file at the Commission before a document verifying an individual’s academic eligibility may be issued.

Application Submission Deadline

This separate section has been deleted and the information has been added to the “Issuance Dates” section.

Processing Time

This section has been moved from this position to a position near the end of the form.

Issuance Dates

Applications Submitted by Agencies

- A header has been added to indicate that the information that follows pertains to applications submitted by employing agencies and recommending institutions.
- The first paragraph of this subsection was moved from the deleted “Application Submission Deadline” section to clarify that application packets submitted by employing agencies or recommending institutions must be received at the Commission not more than three months after the issue date requested on the application form.
- The redundant Title 5 reference has been deleted from the second paragraph and language has been added explaining what will be used as the issue date for a credential that is not received within three months from the issue date requested on the application form.

Applications Submitted by Individuals

- Minor edits to the language in this section have been made for clarity purposes.

- A sentence has been added to the second paragraph of this section to explain that applications may be submitted up to one year prior to the expiration date of a document being renewed [reference 5 CCR 80440(c)].

Processing Time

- This section was moved from an earlier page of the form.
- The first paragraph clarifies the manner in which applications are processed by the Commission and explains how an applicant can check the status of his/her pending application.
- The second paragraph clarifies the maximum processing time allotted to the Commission in EC section 44350 and specifies the types of applications that are not subject to the 50 business day processing timeline.

Online Credential View and Print Process

The Commission discontinued the printing and mailing of credential documents on September 1, 2008. As more than six years has passed since that date, the information at the beginning of this section announcing the change has been deleted. Updated language has been added explaining that documents are not printed and that the online view is the official record of the documents held by an individual [reference 5 CCR section 80001(e)]. The language also explains how to access the online view, states that documents may be viewed within three business days of issuance, and provides instructions on how to print an unofficial copy of a document.

Before you seal the envelope:

- The words “make sure you have enclosed) have been deleted from the end of this header because the header is not immediately following by a list of items.
- The sentence related to first-time applicants has been deleted because the list that follows pertains to all applicants (first-time, new-type, and renewal).
- The language that precedes the list of items has been reformatted due to the deletion of the first sentence.
- “Professional fitness” has been added before “questions,” “and affidavit” has been added after “oath” and “you” has been changed to “the applicant” for clarity purposes.
- The reference to the “(form 41-4)” and the language stating the revision date may be no more than five years old have been deleted. The Commission previously provided paper application forms to applicants, employing agencies, and program sponsors. Since many employing agencies and program sponsors had stores of older application forms on hand, the Commission agreed to accept application forms with revision dates that were up to five years old. However, effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code]. The Child Abuse and Neglect Mandated Reporting section is not included on older versions of the FORM 41-4.

The deleted language has been replaced with language requiring submission of the current version of the Form 41-4 along with a link to the form on the Commission’s website.

- The language pertaining to a Live Scan receipt form or fingerprint cards has been deleted from this section and will be included in a later section.
- The word “necessary” has been changed to “supporting” and “including *Professional Fitness Explanation Form*, as applicable” have been added to the fourth bullet for clarity purposes.
- “Processing fees” has been changed to “Full payment” at the beginning of the fifth bullet for clarity purposes.

First-time California credential applicants *must* also include:

This is a new section added to clarify that all first-time applicants must provide fingerprint information with their application via Live Scan or fingerprint cards, as applicable to their state or country of residence.

For all other types of applications:

This section has been deleted as the listed documents are included in the section entitled “Before you seal the envelope:”

Mail the completed application and payment to:

- The words “the completed application and payment” have been added between “Mail” and “to” in the header of this section for clarity purposes.
- “Certification Division” has been added to the second line of the Commission’s mailing address to ensure proper handling when the envelope is delivered.
- The Commission no longer has a post office box; therefore, the mailing address and zip code have been changed to the Commission’s street address and corresponding zip code.

Professional Fitness Explanation Form (OA-EF)

The words “Personal and” have been deleted from the title, opening paragraph, and introductory sentence in each “Section” of this form. Pursuant to 5 CCR section 80301(a), the Committee on Credentials and the Commission only has jurisdiction over misconduct related to an applicant’s competence to perform the duties authorized by his or her credential. In addition, the word “seven” has been changed to “six” due to the deletion of a question and “of these” near the beginning of the second sentence has been deleted for clarity purposes.

Scope of Questions:

This entire section has been deleted, as the questions no longer fall into the referenced categories.

Special note regarding criminal convictions or pending criminal charges:

- Language previously included on the 41-4 INSTRUCTIONS form regarding the disclosure of past misconduct has been added to this section.

- A new “Warning” paragraph has been added to the end of this section to specify the potential penalty for failure to disclose the required information or documentation.

Using this Form:

- The numbers for each “Section” in the second column of the table associated with Questions a through f have been changed from to letters for consistency and ease in identifying the section(s) of the form that must be completed. For example, individuals who previously answered “yes” to question “a” on the FORM 41-4 were instructed to completed Section 1 of the OA-EF form. The form now instructs individuals who answer “yes” to question “a” on the FORM 41-4 to complete Section A.
- Question f has been combined with Question e in the first column of the table, as the same type of explanation and documentation are required for “yes” answers to either of the related questions on the FORM 41-4.

Section A (previously Section 1):

- The “1” at the beginning of this section has been changed to an “A” to correspond with the changes made to the table in the “Using this Form:” section.
- The words “or e” have been deleted from the introductory sentence for this section due to the deletion of the question previously included in “e” on the FORM 41-4. The question now in “e” on the FORM 41-4 does not require the same type of explanation and/or documentation as question “a.”
- A “Note” paragraph has been added to this section detailing the type of documentation that must be submitted related to a “yes” answer to question “a” on the FORM 41-4. Similar language was previously provided at the end of this section.
- The table requesting a description of a pending disciplinary action for a “yes” answer to question “e” has been deleted. The previous question asked in “e” on the FORM 41-4 was deleted and the new question is not related to pending disciplinary actions.
- The words “or pending action” and “or pending disciplinary action” have been deleted from the third and fourth tables, respectively, in this section due to the deletion of the previous question asked in “e” on the FORM 41-4.
- The paragraph at the end of this section has been deleted. Similar language is now provided in the “Note” paragraph at the beginning of the section.

Section B (previously Section 2):

- The “2” at the beginning of this section has been changed to a “B” to correspond with the changes made to the table in the “Using this Form:” section.
- A “Note” paragraph has been added to this section detailing the type of documentation that must be submitted related to a “yes” answer to question “b” on the FORM 41-4. Similar language was previously provided in the “Professional Fitness Questions” section of the 41-4 INSTRUCTIONS form.

- Two paragraphs related to convictions that were dismissed/expunged and felonies that were reduced to misdemeanors have been moved from the end of this section to the spot immediately following the “Note” paragraph.

Section C (previously Section 3) and Section D (previously Section 4):

A “Note” paragraph has been added to this section detailing the type of documentation that must be submitted related to a “yes” answer to question “c” or question “d,” as applicable, on the FORM 41-4. Similar language was previously provided in the “Professional Fitness Questions” section of the 41-4 INSTRUCTIONS form.

Section E (previously Section 5):

- The words “or e” have been added before the “f” and the words “or g” have been deleted after the “f” in the introductory sentence of this section due to the deletion of the question previously included in “e” on the FORM 41-4.
- A “Note” paragraph has been added to this section detailing the type of documentation that must be submitted related to a “yes” answer to question “a” on the FORM 41-4. Similar language was previously provided at the end of this section.
- The entire table titled “Action(s) taken:” has been deleted. The information requested will be provided in the documentation submitted by the applicant in response to a “yes” answer to question “e” or question “f” on the FORM 41-4.
- The paragraph at the end of this section has been deleted. Similar language is now provided in the “Note” paragraph at the beginning of the section.

Mail all documents to:

A new box has been added to provide the Commission’s mailing address and to provide a link to a form for use by applicants when submitting the OA-EF form and supporting documentation separate from an application form. This was added for clarity and ease of use for applicants.

50-Day deadline does not apply:

A new box has been added to the end of the OA-EF form to explain that applications subject to a professional fitness review are not subject to the 50 business day processing timeline provided in EC section 44350.

(b)(2)(B): Proposes the deletion of this subsection due to the discontinuation of the *Renewal and Reissuance* application form (41-REN) in August 2014. With implementation of the online renewal system, the 41-REN was used only for child development permits, emergency permits, and limited assignment teaching permits. The professional growth self-verification section required for child development permits has been moved to the *Application for Credential Authorizing Public School Service* form (FORM 41-4). The FORM 41-4 is now the only application form available for all applicants who submit an initial or renewal application for a document, whether online or by paper application.

Proposed Addition to Regulation

§80002

(a)(1): The California Information Practices Act (Civil Code §1798.24) and the Federal Privacy Act (5 U.S.C. § 552a) provide that agencies requesting information indicate the principal uses of that information. An application cannot be entered into the Commission database without a full name to identify the individual and create or match to an existing file.

(a)(2): The California Information Practices Act and the Federal Privacy Act provide that agencies requesting information indicate the principal uses of that information. An application cannot be entered into the Commission database without a date of birth to identify the individual and create or match to an existing file.

(a)(3) and (a)(3)(A): Applicants are required to provide a full Social Security Number (SSN) or Individual Tax Identification Number (ITIN) pursuant to 42 USC section 666, California Family Code section 17520, and Business and Professions Code section 494.5 (the state tax delinquency program).

(a)(4): Title 5 section 80412 requires every person applying for a credential to provide the Commission his or her present mailing address and to notify the Commission in writing of any address change.

(a)(5) and (a)(5)(A): The county and school district where the applicant is employed is required for required notice pursuant to California Penal Code Section 291.

(a)(5)(B): If the applicant is not employed, 'Not applicable' is an available option.

(a)(6): The California Information Practices Act and the Federal Privacy Act provide that agencies requesting information indicate the principal purposes for which that information is used. Telephone numbers are used to provide proper identification of an applicant's file and a means to contact an applicant if necessary.

(a)(7): The California Information Practices Act and the Federal Privacy Act provide that agencies requesting information indicate the principal purposes for which that information is used. An email address is used to provide proper identification of an applicant's file and as a means to contact an applicant if necessary. The Commission sends notifications of receipt of an application, issuance of a document, or changes to an educator's personal file via email. Without an email address on file with the Commission, the educator will not receive these notices.

(a)(8): Choosing the type of certification sought allows the Commission to complete an evaluation of the application for the specific type of document.

(a)(8)(A): Only one type of document may be issued per application to allow the Commission to evaluate for the credential sought and track each application separately.

(a)(8)(B): Each application for a document is assigned a tracking number unique to that application so the file can be referenced in the database. Thus, no application can have more than

one document type assigned. If an applicant requests more than one specific type of document on one application form, the Commission will evaluate the application for the first type of document listed. A letter will be sent to the applicant advising that each additional document sought requires the submission of a separate application, application fee, and supporting materials..

(a)(9): The Oath and Affidavit section of the application form is required under Education Code section 44334, and must be signed “under penalty of perjury” to affirm all information contained in the application packet is accurate and governed by the laws of California as specified in the California Code of Civil Procedure sections 2015.5 and 2015.6.

(b): Title 5 section 80487(b) states that the appropriate fees must accompany each application for issuance, reissuance or renewal of a document.

(c): Title 5 sections 80442(a) and (c) require verification of fingerprint submission accompany each application for credential and a criminal history record response from the Department of Justice, unless the individual has current fingerprint clearance on file with the Commission.

(d): Title 5 section 80433(b) requires appropriate documentation of the applicant’s academic qualifications for the type of document requested.

(d)(1): Title 5 section 80435(a) requires submission of official transcripts.

(d)(2): The applicant must provide explanation(s) and any required documentation in connection with any professional fitness question answered “Yes” pursuant to Education Code section 44242.5(b).

(e): Title 5 section 80443(a)(2) states an application is determined complete when all materials needed for processing and all facts required by the law are included. This item establishes procedures for handling incomplete applications.

(e)(1): Items found in subsections (a)(1) through (a)(3)(A) ensure proper identification of the applicant and must be completed to allow an application to be entered into the Commission database. An application missing the application fee as required in subsection (b) cannot be entered into the Commission database.

(e)(2): Items found in subsections (a)(4) through (a)(9) are required according to the laws and regulations stated above. Applications lacking this information will be returned for completion.

(f): Clarifies Title 5 section 80487(e), that the sixty (60) day period during which the application fee remains valid is to allow for correction and resubmission of an application.

(f)(1): Title 5 section 80487(e) allows an applicant sixty days to provide verification or documentation of having met credential qualifications at the time the application was submitted without requiring a new or additional fee.

(g): Title 5 section 80443(a)(1) states that processing time of fifty (50) business days will commence upon receipt of the resubmitted complete application

(g)(1): Clarifies the definition of “processing time.”

(g)(2): Education Code section 44350(d) states the fifty (50) business day processing time is not applicable when an application is subject to a fitness review.

(h): Title 5 section 80487(b) states that an application fee is earned upon receipt and is not refundable.

(i): Items found in subsections (a)(4), (a)(5), and (a)(7) are required according to the laws and regulations as stated above, to provide proper identification of an applicant’s file, and as a means to contact an applicant if necessary, including providing notifications of receipt of an application, issuance of a document, or changes to an educator’s personal file.

Documents Incorporated by Reference

The *Application for Credential Authorizing Public School Service* (FORM 41-4), *Application for Credential Authorizing Public School Service, Instruction and Information Sheet* (41-4 INSTRUCTIONS), and *Professional Fitness Explanation Form* (OA-EF) incorporated by reference in these proposed regulations are attached to the Original Text document showing all amendments made since the December 2009 versions in underline and ~~strikethrough~~. The forms without underline and strikethrough are available on the Commission’s website as follows:

Application for Credential Authorizing Public School Service (FORM 41-4):

<http://www.ctc.ca.gov/credentials/leaflets/414.pdf>

Application for Credential Authorizing Public School Service, Instruction and Information Sheet (41-4 INSTRUCTIONS):

<http://www.ctc.ca.gov/credentials/leaflets/414-instructions.pdf>

Professional Fitness Explanation Form (OA-EF):

<http://www.ctc.ca.gov/credentials/online-services/pdf/OA-EF.pdf>

Economic Impact Assessment/Analysis

Education Code section 44225 authorizes the Commission to adopt the proposed regulation addition. The proposed amendments implement, interpret, and make specific Education Code sections 44230, 44235, 44330, 44339, 44340, 44346.5, and 44350 pertaining to requirements for submission of a paper application packet to the Commission.

The purpose of the proposed regulations is as follows:

- update the forms associated with a complete application packet;
- update, expand, and consolidate into one section all application requirements and processes to reflect current statutes and regulations;
- identify the specific elements that must be present for an application packet to be complete, allowing the Certification Division to complete an evaluation of an

educator's academic qualifications and the Division of Professional Practices to complete its fitness review; and

- clarify how an application is handled if it is incomplete.

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulation amendments:

Creation or Elimination of Jobs Within the State of California

The proposed addition pertains to applications for credentials that authorize service in California's public schools. The proposed amendments will not create or eliminate jobs in California.

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed addition pertains to applications for teaching credentials that authorize service in California's public schools. The proposed amendments will not create or eliminate existing businesses in California.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The proposed addition pertains to applications for credentials that authorize service in California's public schools. As a result of the proposed amendments, no existing businesses in California will be expanded or eliminated.

Benefits of the Regulations

The Commission anticipates that the proposed regulation will benefit the welfare of students attending public schools in the State of California by assuring educators are appropriately qualified in relation to the documents issued, understand their responsibilities as mandated reporters of possible child abuse and neglect, and have completed the Commission's fingerprint character and identification process, meeting the moral and professional fitness standards established by law.. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in requirements for individuals seeking California certification. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

Evidence Relied Upon to Support the Initial Determination That the Regulation Will Not Have a Significant Adverse Economic Impact on Business: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals seeking credentials that authorize service in California’s public schools.